

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
and)	
)	
STATE OF DELAWARE,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	Civil Action No. 05-443
FORMOSA PLASTICS CORPORATION,)	
DELAWARE,)	
)	
Defendant.)	
)	

MOTION TO INTERVENE

NOW COMES, intervenor, the State of Delaware ("State"), by and through the undersigned Deputy Attorney General, and in support of its Motion to Intervene in this action pursuant to Fed. R. Civ. P. 24 (a), hereby states as follows:

1 The United States of America ("United States") has filed a civil action against Formosa Plastics Corporation ("Defendant") for violations of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7401, et seq.; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901, et seq.; the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 et seq.; the Clean Water Act ("CWA"), 33 U.S.C. §§ 1251 et seq.; and the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. §§ 11001, et seq. The United States seeks an injunction ordering Defendant to comply with the above acts and the regulations promulgated thereunder, and civil penalties for Defendant's past and on-going violations of the above-referenced laws.

2. Pursuant to Fed. R. Civ. P. 24 (a) (1), the State hereby moves to intervene in the action as a matter of right for the purpose of protecting the interests of the State of Delaware in the consistent, uniform and effective enforcement of the above-referenced laws.

3. Counsel for the United States has requested the intervention of the State for this purpose, and counsel for the Defendant has agreed to the State's intervention.

4. A Memorandum in Support of this Motion is submitted separately herewith.

WHEREFORE, intervenor, the State of Delaware moves that it be allowed to intervene in this action, to participate fully in all proceedings, and to receive any and all such relief that it may be entitled.

Respectfully Submitted,

Dated: June 28, 2005

BY: /s/Kevin P. Maloney, I.D. No. 2410
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KPM/jrm/I/480-49/FormosaMotionToIntervene

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UNITED STATES OF AMERICA,

Plaintiff,

and

STATE OF DELAWARE,

Plaintiff-Intervenor,

FORMOSA PLASTICS CORPORATION,
DELAWARE,

Defendant.

Civil Action No. 05-443

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2005, I electronically filed Plaintiff's, State of Delaware, acting at the request of the Department of Natural Resources and Environmental Control, Motion to Intervene, with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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Dated: June 28, 2005

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